IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

WP(C).No. 5651 of 2007(W)

PETITIONER:

S.K. SHAMSU, S/O. LATE ABDUL KHADER,
AGED 58 YEARS, PUTHUPARAMBIL HOUSE,
BYE PASS JUNCTION, ALUVA.

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, REVENUE,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, ERNAKULAM.

3. THE TAHSILDAR, ALUVA.

4. THE VILLAGE OFFICER,
ALUVA WEST VILLAGE, ALUVA.

BY GOVT. PLEADER SRI.C.T.RAVIKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.5651 OF 2007

Dated this the 22nd day of February, 2007

JUDGMENT

Petitioner challenges the decision regarding revision of rentals under the Land Assignment Act. He also challenges the refusal to grant assignment under that Act. It is also his contention that in view of the stand taken by the authorities that the land has become part of the National Highway, it is beyond the jurisdiction of the State Government to ask for revision of rentals. In the aforesaid circumstances, the petitioner has an alternate efficacious remedy against the impugned orders by way of appeal under the Land Assignment Act. Hence, without prejudice to his contentions, this writ petition is disposed of directing that if the petitioner seeks appropriate appellate remedy before the competent authority against the orders impugned, the same will be considered. Until then, distress action against the petitioner on the basis of Ext.P1 will stand suspended if he deposits an amount of Rs.50,000/- on or before

27.3.2007 and a further amount of Rs.25,000/- on or before 30.4.2007. If the petitioner moves such an appeal within a period of three weeks from now, the appellate authority will finally dispose of the matter within a period of four months from the date of receipt of such appeal.

The writ petition is disposed of with the above directions.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.